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# Thailand's Constitution of 2014

Historical

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Translated by Pakorn Nilprapunt

- Preamble

## Preamble

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SOMDET PHRA PARAMINTHARAMAHA BHUMIBOL ADUYADEJ

SAYAMINTHARATHIRAT BOROMMANATTHABOPHIT

Given on the 22nd Day of July B.E. 2557 (2014)

Being the 69th Year of the Present Reign

- Political theorists/figures

Phrabat Somdet Phra Paramintharamaha Bhumibol Aduyadej Mahitalathibet Ramathibodi Chakkri Narubodin Sayamintharathirat Borommanatthabophit is graciously pleased to proclaim that:

- Reference to country's history

Whereas the National Council for Peace and Order comprising military and police forces respectfully informed His Majesty that severe political conflict had emerged and continued within the precinct of Bangkok Metropolitan and the contiguous areas for the extended period of time and had hastily spread throughout almost all regions of the country. This situation had not only broken the unification of the people but also instituted harmful attitude amongst Thais. The use of illegal force and lethal weapons against whom having different attitudes came out several times. Public safety and living conditions of the people became hardship accordingly. National economic and State administration had then been interrupted and the exercise of the sovereign powers through the legislative, the executive and the judiciary had likewise been disrupted thereby. Law enforcement was failure. This sort of perplexity had never been found. Though the government tried to solve the problem through the existed legal mechanisms and measures, e.g. applying the laws relating to the maintenance of public peace and order, dissolving the House of Representatives and running the general election; and such third parties as private entities, the Constitutional Organizations, political parties, the armed forces and the Senate tried to figure out the conflict by means of peaceful negotiation, these tries however came to no avail. In addition, the new legal and political conflicts unveiled and made the problems more complicated. The divergence of thoughts had broadened widely and became more seriously till the portrayal of riot was foreseeable. This chaotic situation might be harmful to lives, properties and living conditions of the public at large, works and debts of farmers; especially rice farmers, national economic development, prevention of natural disasters, trust in sovereign powers and confidence of foreign investors. Further, criminals took this chance to do more crimes and ignited much unrest which inevitably undermined national security and reliance of the public to the democratic regime of government with the King as the Head of State. The National Council for Peace and Order therefore had no choice to deal with the problems other than seizing and taking control of the State administration on the 22nd Day of May B.E. 2557 (2014). In addition to declaring the Constitution of the Kingdom of Thailand B.E. 2550 (2007), except the provisions of Chapter II The King, come to an end, the National Council for Peace and Order planned to restore national peace and order and the plan was divided into three phrases. The first and most urgent phrase was to deter the use of illegal force and lethal weapons, to cease public mistrust and to alleviate economic, social, political and administrative problems accumulated for more than six months. The second phrase was to bring into force the Interim Constitution in order to establish the National Legislative Assembly to exercise the legislative power and the Council of Ministers to exercise the executive power so as to restore national peace and order, public unification and justice, to solve economic, social, political and administrative problems and to enact urgent and necessity legislations. The National Reform Council and other necessary entities shall be established to drive political and other reformations systematically. The new Constitution laying down appropriate political system, measures for prevention and suppression of corruption and efficient, effective and fair measures for examination of the exercise of State powers shall also be drafted and completed within this phrase. All these missions shall be handed on to the representatives and the Council of Ministers under the new Constitution in the last and final phrase. For the completion of the restoration plan as mentioned above, regard shall be had to fundamental principles

rather than symbolic procedure of the democratic regime of government. In order to facilitate the restoration process, peaceful atmosphere and harmony shall be created and maintained so as to bring back public pleasure, meanwhile the unclear, inefficient and unfair rules and procedures which were the causes of conflict shall be reviewed in compliance with real public needs. Though the completion of the restoration process as planned might take a period of time, but value arising therefrom would be better than letting the crisis went along disorderly.

- Source of constitutional authority

Be it, therefore, commanded by the King that the following provisions shall be promulgated as the Interim Constitution of the Kingdom of Thailand until the new Constitution drafted under the provisions of this Constitution comes into force.

## Section 1

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Thailand is one and indivisible Kingdom.

## Section 2

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- Name/structure of executive(s)
- Type of government envisioned

Thailand adopts a democratic regime of government with the King as the Head of State.

The provisions of Chapter II The King of the Constitution of the Kingdom of Thailand B.E. 2540 (2007) which still in force by the Notification of the National Council for Peace and Order No. 11/2557 dated 22nd Day of May B.E. 2557 (2014) shall be continued in force as an integral part of this Constitution, but, subject to section 43 paragraph one, anywhere in those provisions which refer to the National Assembly or the President of the National Assembly shall mean the National Legislative Assembly or the President of the National Legislative Assembly under this Constitution, as the case may be.

## Section 3

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Sovereign powers belong to Thai people. The King as the Head of State shall exercise such powers through the National Legislative Assembly, the Council of Ministers and the Judiciary under the provisions of this Constitution.

- Human dignity
- General guarantee of equality
- International law

## Section 4

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Subject to the provisions of this Constitution, all human dignity, rights, liberties and equality of the people protected by the constitutional convention under a democratic regime of government with the King as the Head of State, and by international obligations bound by Thailand, shall be protected and upheld by this Constitution.

## Section 5

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Whenever no provision under this Constitution is applicable to any case, it shall be done or decided in accordance with the constitutional convention under a democratic regime of government with the King as the Head of State, but such constitutional convention shall not contrary to, or inconsistent with, this Constitution.

- Establishment of administrative courts
- Structure of the courts

In the case where the question concerning the decision under paragraph one arises in the affairs of the National Legislative Assembly, it shall be decided by the National Legislative Assembly. If the question does not arise in the affairs of the National Legislative Assembly, the National Council for Peace and Order, the Council of Ministers, the Supreme Court or the Supreme Administrative Court may request the Constitutional Court to make decision thereon, but the request of the Supreme Court or the Supreme Administrative Court shall be approved by the plenary session of the Supreme Court or the Supreme Administrative Court and on the matter related to the trial and adjudication of cases.

## Section 6

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- Eligibility for first chamber
- Minimum age for first chamber
- First chamber selection
- Size of first chamber

There shall be the National Legislative Assembly, consisting of not more than two hundred and twenty members as appointed by the King from the persons of Thai nationality by birth of not less than forty years of age in accordance with the recommendation of the National Council for Peace and Order.

- Structure of legislative chamber(s)

The National Legislative Assembly shall act as the House of Representatives, the Senate and the National Assembly.

- First chamber selection

## Section 7

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In making of recommendation for the appointment of the members of the National Legislative Assembly, regard shall be had to knowledge, experience and varieties of persons from various groups in public sector, private sector, social sector, academic sector, professional sector and other sectors which may be beneficial to the performance of duties of the National Legislative Assembly.

- Eligibility for first chamber

## Section 8

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A member of the National Legislative Assembly shall not be under the prohibitions as follows:

1. being or having been a person holding any position in a political party within three years prior to the date of appointment as a member of the National Legislative Assembly;
2. being a Buddhist priest, novice, monk or clergy;
3. being bankrupt or having been dishonestly bankrupt;
4. having been under suspension of the right to vote;
5. having been expelled, dismissed or removed from official service, State agency or State enterprise on the grounds of dishonest performance of duties or deemed as having committed dishonest acts or malfeasance in official service;
6. having been ordered by a judgment or an order of the Court that his assets shall vest in the State on the grounds of unusual wealth or an unusual increase of assets;
7. being under suspension of the right to hold political position or having been removed from office;
8. having been sentenced by a final and conclusive judgment for an offence related to malfeasance in office, an offence related to malfeasance in judicial office, an

- Drugs, alcohol, and illegal substances

8. offence related to narcotics drugs or an offence related to gambling as he was a croupier or host;

9. having been sentenced by a final judgment to imprisonment except for an offence committed through negligence or a petty offence.

No member of the National Legislative Assembly shall be a member of the National Reform Council or a Minister at the same time.

- Eligibility for cabinet
- Outside professions of legislators

- Removal of individual legislators

## Section 9

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A member of the National Legislative Assembly vacates office upon:

1. death;
2. resignation;
3. being disqualified under section 6 paragraph one or being under the prohibitions under section 8;
4. being removed from office by the resolution of the National Legislative Assembly under section 12;
5. failing to vote at the meeting of the National Legislative Assembly more than the number of votes as prescribed by the rule of the National Legislative Assembly on meeting.

- Attendance by legislators

A question related to vacating from office of a member of the National Legislative Assembly under paragraph one shall be decided by the National Legislative Assembly.

- Leader of first chamber

## Section 10

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The King appoints, in accordance with the resolution of the National Legislative Assembly, a member of the National Legislative Assembly to be President of the National Legislative Assembly and not more than two members to be Vice-Presidents of the National Legislative Assembly.

The Head of the National Council for Peace and Order shall countersign the Royal Command appointing members, President and Vice-Presidents of the National Legislative Assembly.

## Section 11

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The members of the National Legislative Assembly shall be representatives of Thai people and shall devote themselves to the performance of duties in good faith for public benefit of Thai people.

- Removal of individual legislators

## Section 12

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If a member of the National Legislative Assembly disgraces the dignity of members of the National Legislative Assembly or obstructs any member of the National Legislative Assembly in the performance of his duties, not less than twenty five members of the

National Legislative Assembly may request the President of the National Legislative Assembly to remove that member from office.

The resolution of the National Legislative Assembly under paragraph one shall be made by the votes of not less than two-thirds of the total number of the members.

## Section 13

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- Quorum for legislative sessions
- Legislative committees
- Organic laws

At a meeting of the National Legislative Assembly, the presence of not less than one-half of the total number of the members shall constitute a quorum.

The National Legislative Assembly shall have the power to issue the rule on election and the performance of duties of the President, the Vice-Presidents and its Committee, meeting, introduction and deliberation of bills and Organic Law bills, submission of motions, discussion, making resolutions, interpellation, peace keeping and other related matters for the performance of its duties.

## Section 14

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- Head of state decree power
- Spending bills
- Finance bills
- Budget bills
- Tax bills
- Initiation of general legislation

The King has the power to enact an Act by and with the advice and consent of the National Legislative Assembly.

A bill may be introduced by not less than twenty five members of the National Legislative Assembly, the Council of Ministers or the National Reform Council under section 31 paragraph two. A money bill shall be introduced only by the Council of Ministers.

- Tax bills
- Spending bills
- Finance bills
- Budget bills

A money bill under paragraph two means a bill with the provisions dealing with the imposition, repeal, reduction, alteration, modification, remission or regulation of taxes or duties, or the allocation, receipt, custody or payment of State funds, or the transfer of expenditures estimates of the State, or the raising of, or guaranteeing or redemption of, loans or any binding of State's properties, or currency.

In case of doubt as to whether any bill introduced to the National Legislative Assembly is a money bill, the President of the National Legislative Assembly shall have the power to make decision thereon.

- Powers of cabinet

If a bill introduced by members of the National Legislative Assembly or the National Reform Council, the Council of Ministers may, before the National Legislative Assembly adopts the principle of that bill, draw that bill for its consideration.

- Organic laws

An enactment of the Organic Act shall be made in accordance with the provisions of this section, but an introduction thereof shall be made only by the Council of Ministers or the person having charge and control of the execution of such Organic Act.

- Organic laws
- Approval or veto of general legislation

## Section 15

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The Prime Minister shall present the bill or Organic Law bill approved by the National Legislative Assembly to the King for His signature within twenty days as from the date of receiving such bill from the National Legislative Assembly and the bill shall come into force as an Act or Organic Act upon its publication in the Government Gazette.

- Veto override procedure

If the King refuses His assent to the bill or Organic Law bill either returns it to the National Legislative Assembly or does not return it within ninety days, the National Legislative Assembly must reconsider such bill. If the National Legislative Assembly resolves to reaffirm the bill by the votes of not less than two-thirds of the total number



of existing members, the Prime Minister shall present such bill to the King for His signature once again. If the King does not sign and return the bill within thirty days, the prime Minister shall cause the bill to be promulgated as an Act or Organic Act in the Government Gazette as if the King had signed it.

- Legislative oversight of the executive

## Section 16

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- Quorum for legislative sessions

At a meeting of the National Legislative Assembly, every member shall have the rights to interpellate a Minister on any matter under his authority, but the Minister shall have the right to refuse a reply if he is of opinion that the matter should not be disclosed yet on the ground of safety or vital interest of the State or that interpellation is prohibited by the rule of the National Legislative Assembly. The quorum of the National Legislative Assembly in this case may be different from the quorum as prescribed by section 13 paragraph one if so prescribed by the rule on meeting.

If there is a matter which involves an important problem, not less than one-third of the total number of the members of the National Legislative Assembly may submit a motion for general debate with the Council of Ministers, but the vote of confidence or no-confidence shall not be made.

## Section 17

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In the case where there is an important problem in the administration of State affairs in regard which the Council of Ministers deems it advisable to take opinions from members of the National Legislative Assembly, the Prime Minister may give a notice to the President of the National Legislative Assembly requesting that a general debate be held at a sitting of the National Legislative Assembly. In this case, no resolution shall be passed by the National Legislative Assembly on the issue put in the debate.

- Immunity of legislators

## Section 18

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At a sitting of the National Legislative Assembly, words expressed in giving statements of fact or opinions, or the casting of votes by any member, are absolute privileged. No charge or action in any manner whatsoever shall be brought against such member.

- Television
- Radio
- Publication of deliberations
- Legislative committees

The privilege under paragraph one extends to all Committees of the National Legislative Assembly, the printers and publishers of the minutes of the sitting upon the order of the National Legislative Assembly or its Committees, the persons permitted by the presiding member to give statements of fact or opinions at the sitting as well as the persons who broadcast the sitting through radio, television or other means with the permission of the President of the National Legislative Assembly. But this privilege does not extend to a member of the National Legislative Assembly who expresses words at a sitting which is broadcasted through radio, television or other means if such words appear out of the precinct of the National Legislative Assembly and constitute a criminal offence or a wrongful act against any other person who is not a Minister or a member of the National Legislative Assembly.

In the case where a member of the National Legislative Assembly is retained or detained, such member shall be released upon request of the President of the National Legislative Assembly. In the case where a criminal charge is brought against a member of the National Legislative Assembly, the Court shall try the case as usual unless the President of the National Legislative Assembly requests for the suspension of that trial.

## Section 19

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- Cabinet selection
- Powers of cabinet
- Head of government selection
- Establishment of cabinet/ministers
- Name/structure of executive(s)

The King appoints the Prime Minister in accordance with the resolution of the National Legislative Assembly and not more than thirty-five other Ministers as recommended by the Prime Minister to constitute the Council of Ministers having the duties to carry out the administration of State affairs, to conduct reformation in all aspects and to strengthen unification and harmonization of Thai people.

- Oaths to abide by constitution

Before taking office, a Minister must make a solemn declaration before the King in the following words: "I, (name of the declarer), do solemnly declare that I shall be loyal to the King and shall faithfully perform my duties in the interests of the country and of the people. I shall also uphold and observe the Constitution of the Kingdom of Thailand in every respect."

- Cabinet removal
- Head of government removal

The King has the prerogative to remove the Prime Minister from office in accordance with the recommendation of the President of the National Legislative Assembly made by the resolution of the National Legislative Assembly as introduced by the National Council for Peace and Order, and to remove the Minister in accordance with the recommendation of the Prime Minister.

The Royal Command appointing and removing the Prime Minister shall be countersigned by the President of the National Legislative Assembly.

The Prime Minister and Minister shall have the right to attend, and to give statements of fact or opinions to, the sitting of the National Legislative Assembly or the National Reform Council, but having no right to vote. In this case, the provisions on privilege under section 17 shall apply to the giving of statements of fact or opinions of the Prime Minister and Minister under this section mutatis mutandis.

- Eligibility for head of government
- Eligibility for cabinet

## Section 20

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The Prime Minister and Minister shall have the qualifications and not being under the prohibitions as follows:

- Minimum age of head of government

1. being of Thai nationality by birth;
2. being of not less than forty years of age;
3. having graduated with not lower than a Bachelor's degree or its equivalent;
4. not being or having been a member of a political party within three years prior to the date of appointment, and not being under the prohibitions under section 8;
5. not being a member of the National Legislative Assembly, the National Reform Council, the Constitution Drafting Committee or local assembly or local administrator;
6. not being a judge of the Constitutional Court, a judge of any Court, a State Attorney, a commissioner of the Election Commission, an Ombudsman, a commissioner of the National Counter Corruption Commission, a commissioner of the State Audit Commission, the Auditor-General or a member of the Human Rights Commission.

- Ombudsman
- Human rights commission
- Electoral commission
- Counter corruption commission
- Head of government removal
- Cabinet removal

The Prime Ministership or the Ministership terminates upon disqualifications or being under the prohibitions under paragraph one or upon the provisions of section 9 (1) or (2).

- Emergency provisions
- Head of state decree power

## Section 21

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In case of emergency and necessary urgency in order to maintain national security, public safety, national economic security or to avert public calamity or there is necessary to have a law on taxes, duties or currency which requires an urgent and confidential deliberation, the King has the prerogative to issue an Emergency Decree which shall have the force as an Act.

When the Emergency Decree comes into force, the Council of Ministers shall introduce such Emergency Decree to the National Legislative Assembly without delay. If the National Legislative Assembly approves such Emergency Decree, it shall continue to have the force as an Act. In case of disapproval, such Emergency Decree shall lapse. In this case, the lapsed Emergency Decree shall not affect any act done through the period of its enforcement. If the lapsed Emergency Decree has the effect of amending or repealing any provision of any Act, the provision that in force before the amendment or repeal shall continue to be in force as from the day such Emergency Decree had lapsed.

An approval or disapproval of the Emergency Decree shall be published in the Government Gazette. In case of disapproval, it shall be effective as from the date of its publication in the Government Gazette.

- Power to pardon
- Head of state powers
- Head of state decree power

## Section 22

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The King has the prerogative to issue a Royal Decree which is not contrary to the law, the prerogative to grant a pardon and other prerogatives in accordance with the constitutional convention under a democratic regime of government with the King as the Head of State.

- International law
- Treaty ratification

## Section 23

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The King has the prerogative to conclude a peace treaty, armistice and other treaties with other States or international organizations.

A treaty which provides for a change of the territories of Thailand or the external territories that Thailand has sovereign rights or jurisdiction thereon under any treaty or an international law, or requires an enactment of an Act for its implementation or has wide scale effects on economic or social security of the country, shall be approved by the National Legislative Assembly. In this case, the National Legislative Assembly shall complete its deliberation within sixty days as from the date of receipt of such matter.

The treaty with wide scale effects on economic or social security of the country under paragraph two means a treaty related to free trade or customs cooperation area, to the use of natural resources, to waive the rights in any natural resources of the country, wholly or partly, or other matters as prescribed by law.

If there is in doubt whether any treaty is a treaty under paragraph two or paragraph three, the Council of Ministers may request the Constitutional Court to make a decision thereon. In this case, the Constitutional Court shall have a decision within thirty days as from the date of receipt of the request.

- Foreign affairs representative
- International organizations

- Colonies
- Accession of territory
- Secession of territory

- Ownership of natural resources

- Constitutional court powers

- Head of state powers
- Selection of active-duty commanders
- Supreme court selection

## Section 24

---

The King appoints and removes officials in the military service and civil service who hold positions of Permanent Secretary of State, Director-general and their equivalents, judges, positions of the Constitutional Organs established by the Constitution of the Kingdom of Thailand B.E. 2550 (2007) and other officials as prescribed by laws, except in the case where they vacate office upon death.

## Section 25

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All laws, Royal Manuscripts and Royal Commands related to State affairs shall be countersigned by a Minister; provided that otherwise prescribed by this Constitution.

- Judicial independence

## Section 26

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Judges are independent in the trial and adjudication of cases in the name of the King in accordance with the Constitution and laws.

## Section 27

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There shall establish the National Reform Council to study and provide recommendation for reform in the following fields:

1. politics;
2. administration of State affairs;
3. laws and judicial procedure;
4. local administration;
5. education;
6. economy;
7. energy;
8. public health and environment;
9. mass communication;
10. social;
11. others,

- Mentions of social class

with a view to setting up of a democratic regime of government with the King as the Head of State which is suitable for Thai context, establishing the trustworthy and fair election system, establishing the efficient mechanism for prevention and suppression of corruption, eliminating economic and social inequality for sustainable development, enabling State mechanism to provide public services thoroughly, efficiently and effectively, and strengthening law enforcement rigorously and fairly.

## Section 28

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The National Reform Council consisting of not more than two hundred and fifty members as appointed by the King from the persons of Thai nationality by birth with not less than thirty-five years of age in accordance with the recommendation of the National Council for Peace and Order.

The King appoints, in accordance with the resolution of the National Reform Council, a member of the National Reform Council to be the Chairperson of the National Reform Council and not more than two members of the National Reform Council to be the Vice-Chairpersons of the National Reform Council.

The Head of the National Council for Peace and Order shall countersign the Royal Command appointing members of the National Reform Council, the Chairperson and the Vice-Chairpersons of the National Reform Council.

## Section 29

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A member of the National Reform Council shall not being under the prohibitions under section 8 (2) (3) (4) (5) (6) (7) (8) and (9), and the provisions of section 9 shall apply to the vacation from office of a member of the National Reform Council *mutatis mutandis*, but the power to make a decision under section 9 paragraph two shall be the power of the National Reform Council.

## Section 30

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The National Council for Peace and Order shall select the persons to be appointed as members of the National Reform Council in accordance with the following rules:

1. there shall establish the Selective Committee for each field of reform under section 27 to nominate the qualified persons in each field, and there shall establish the Provincial Selective Committee in each province to nominate the qualified persons whom domiciled in each province;
2. the Selective Committee for each field of reform shall be appointed by the National Council for Peace and Order from the persons having apparent knowledge and experience and being generally accepted persons in each field;
3. the Selective Committee shall propose the list of the nominees whom having qualifications under section 28 and not being under the prohibitions under section 29 and having apparent knowledge and experience in each field to the National Council for Peace and Order. In this case, no member of the Selective Committee shall be nominated;
4. in the nomination under (3), regard shall be had to varieties of persons from each group of persons in public sector, private sector, social sector, academic sector, professional sector and other sectors which shall be beneficial to the performance of duties of the National Reform Council, apportion of persons from each province, gender opportunity and equality of the nominees and the conferment of the socially underprivileged persons;
5. the Provincial Selective Committee shall consist of the members as prescribed by the Royal Decree;

6. the Nation Council for Peace and Order shall select not more than two hundred and fifty persons to be appointed as members of the National Reform Council from the list of nominees proposed by the Selective Committees under (1). In this number, one nominee nominated by each Provincial Selective Committee shall be selected.

The number of members of each Selective Committee, the selection procedure and period of selection, the number of the nominees and other necessary matters shall be prescribed by the Royal Decree.

## Section 31

---

The National Reform Council shall have the powers and duties as follows:

1. to study, analyze and propose the guideline and proposal for the reform of any field under section 27 to the National Legislative Assembly, the Council of Ministers, the National Council for Peace and Order and other related agencies;
2. to give advice or recommendation to the Constitution Drafting Committee for the purpose of Constitution drafting;
3. to deliberate and approve the Draft Constitution proposed by the Constitution Drafting Committee.

For the purpose of (1), if the National Reform Council is of opinion that it is necessary to have an Act or Organic Act comes into force, it shall prepare and introduce that bill to the National Legislative Council for deliberation. If it is a money bill or Organic Law bill, it shall be submitted to the Council of Ministers.

The National Reform Council shall give advice or recommendation under (2) to the Constitution Drafting Committee within sixty days as from the date of its first meeting.

The provisions of section 13 and section 18 shall apply to the performance of duties of the National Reform Council mutatis mutandis.

## Section 32

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There shall establish the Constitution Drafting Committee to prepare the Draft Constitution, consisting of thirty-six members appointed by the Chairperson of the National Reform Council from the following persons:

1. the Chairperson of the Committee as proposed by the National Council for Peace and Order;
2. twenty persons as proposed by the National Reform Council;
3. persons as proposed by the National Legislative Assembly, the Council of Ministers and the National Council for Peace and Order, five persons each.

An appointment of the Constitution Drafting Committee under paragraph one shall complete within fifteen days as from the date of the first meeting of the National Reform Council.

If a member of the Constitution Drafting Committee vacates office by whatever reason, the remaining members shall continue their duties. In this case, it shall be deemed that the Constitution Drafting Committee consists of the remaining members, but the Chairperson of the National Reform Council shall, in accordance with the rules as prescribed in paragraph one, appoint a new member of the Constitution Drafting Committee to fulfil the vacancy within fifteen days as from the date the member of the Constitution Drafting Committee vacates office.

- Spending bills
- Finance bills
- Organic laws
- Tax bills
- Budget bills

The provisions of section 18 shall apply to the performance of duties of the Constitution Drafting Committee mutatis mutandis.

## Section 33

---

A member of the Constitution Drafting Committee shall be a person of Thai nationality by birth of not less than forty years of age and not being under the prohibitions as follows:

1. being a person holding political position, but not including a member of the National Council for Peace and Order, a member of the National Legislative Assembly or a member of the National Reform Council;
2. being or having been a member of, or holding any position in, political party within three years prior to the appointment;
3. being under the prohibitions under section 29;
4. being judge or a person holding any position in Constitutions Organs under the Constitution of the Kingdom of Thailand B.E. 2550 (2007).

For the prevention of conflict of interests, no member of the Constitution Drafting Committee shall hold any political position within two years after vacating office.

## Section 34

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The Constitution Drafting Committee shall propose the Draft Constitution to the National Reform Council for deliberation within one hundred and twenty days as from the date of receipt of the advice or recommendation of the National Reform Council under section 31 (2).

The Constitution Drafting Committee shall, in preparing the draft Constitution, take the advice or recommendation of the National Legislative Assembly, the Council of Ministers, the National Council for Peace and Order and comments of the public and related agencies into its deliberation.

## Section 35

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The draft Constitution shall cover the following matters:

1. the principle of being one and indivisible Kingdom;
2. the democratic regime of government with the King as the Head of State which is suitable for Thai context;
3. the efficient mechanism for prevention, examination and suppression of corruption in both public and private sectors, including mechanism to guarantee that State powers shall be exercised only for national interest and public benefit;
4. the efficient mechanism for prevention of a person whom ordered by a judgment or any legal order that he commits any corruption or undermines the trustworthiness or fairness of an election from holding any political position stringently;
5. the efficient mechanism which enabling State officials; especially a person holding political position, and political party to perform their duties or activities

5. independently and without illegal manipulation or mastermind of any person or group of persons;
6. the efficient mechanism for strengthening the Rule of Law and enhancing good moral, ethics and governance in all sectors and levels;
7. the efficient mechanism for restructuring and driving economic and social system for inclusive and sustainable growth and preventing populism administration which may damage national economic system and the public in the long run;
8. the efficient mechanism for accountable spending of State fund which shall be in response of public needs and compliance with financial status of the country, and the efficient mechanism for audit and disclosure of the spending of State fund;
9. the efficient mechanism for prevention of the fundamental principle to be laid down by the new Constitution;
10. the mechanism which is necessary for further implementation for the completion of reform.

The Constitution Drafting Committee shall deliberate the necessity and worthiness of the Constitutional Organs of, and other organizations to be established by the provisions of, the new Constitution. In case of necessity, measures to ensure the efficient and effective performance of each organization shall be addressed.

## Section 36

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The Constitution Drafting Committee shall propose the Draft Constitution to the Chairperson of the National Reform Council. In this case, the Chairperson of the National Reform Council shall convene the meeting of the National Reform Council for deliberation of the Draft Constitution within ten days as from the date the Chairperson of the National Reform Council receives the Draft Constitution.

A member of the National Reform Council may submit a proposal for amendment of the Draft Constitution within thirty days as from the date the meeting under paragraph one adjourned. Each proposal for amendment of the Draft Constitution shall be endorsed by not less than one-tenth of the total number of members of the National Reform Council. A member who proposes or endorses any proposal for amendment of the Draft Constitution shall not propose or endorse any other proposal submitted by other members.

The Constitution Drafting Committee shall also propose the Draft Constitution to the Council of Ministers and the National Council for Peace and Order for their recommendations. The proposal for amendment of the Draft Constitution may be submitted by the Council of Ministers or the National Council for Peace and Order within thirty days as from the date of receipt of the Draft Constitution.

The proposal for amendment of the Draft Constitution shall be submitted directly to the Chairperson of the Constitution Drafting Committee.

## Section 37

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The Constitution Drafting Committee shall deliberate the proposal for amendment of the Draft Constitution within sixty days as from the expiration of the submission period under section 36 paragraph two. In this case, the Constitution Drafting Committee may make an amendment to the Draft Constitution as appropriated.

The amended Draft of the Constitution made under paragraph one shall be introduced to the National Reform Council for its approval or disapproval, and the National Reform Council shall have the aforesaid resolution within fifteen days as from the date of receipt



of the Draft of the Constitution from the Constitution Drafting Committee. In this case, the National Reform Council is unable to make any amendment to the Draft of the Constitution; provided that an unnecessary mistake has been found and the Constitution Drafting Committee agrees upon or the Constitution Drafting Committee is of opinion that it is necessary to make such amendment for the completion of the Draft of the Constitution.

If the National Reform Council approves the Draft of the Constitution under paragraph two, the Chairperson of the National Reform Council shall present the Draft of the Constitution to the King for His signature within thirty days as from the date the approval has been made. When His signature has been given, the Draft of the Constitution shall come into force as the Constitution upon its publication in the Government Gazette. The Chairperson of the National Reform Council shall countersign His Royal Command.

In the case where the King refuses His assent to the Draft of the Constitution and either returns it to the National Reform Council or does not return it within ninety days, the Draft of the Constitution shall lapse.

## Section 38

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In the case where the National Reform Council is unable to finish its deliberation on the Draft Constitution within the prescribed period, or where it does not approve the Draft of the Constitution, or where the Draft of the Constitution is lapsed under section 37, the National Reform Council and the Constitution Drafting Committee shall be expired. In this case, the new National Reform Council and Constitution Drafting Committee shall be appointed to exercise the powers and duties as prescribed by this Constitution.

If the Constitution Drafting Committee fails to finish the Draft Constitution within the period as prescribed by section 34, that Constitution Drafting Committee shall be expired and the new Constitution Drafting Committee shall be appointed within fifteen days as from the expiry date of its predecessor.

The Chairperson, Vice-Chairpersons and members of the National Reform Council and the Chairperson, Vice-Chairpersons and members of the Constitution Drafting Committee which are expired under paragraph one or paragraph two shall not be the Chairperson, Vice-Chairpersons and members of the new National Reform Council or the Chairperson, Vice-Chairpersons and members of the new Constitution Drafting Committee, as the case may be.

## Section 39

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Upon the completion of the Draft Constitution, the National Reform Council and the Constitution Drafting Committee still existence for the purpose of drafting Organic Bills or other bills as necessary. In this case, the National Reform Council may appoint its Committees to deliberate the necessary bills. Upon the new Constitution comes into force, the existence and the performance of duties of the National Reform Council and the Constitution Drafting Committee shall be in accordance with the provisions of the new Constitution.

- Compensation of legislators

## Section 40

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Salaries, emoluments and other benefits of the President and Vice-Presidents of the National Legislative Assembly, Chairperson and Vice-Chairpersons of the National Reform Council, persons holding position in the National Council for Peace and Order, members of the National Legislative Assembly, members of the National Reform

Council and members of the Constitution Drafting Committee shall be prescribed by the Royal Decree.

## Section 41

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The provisions on qualifications or prohibitions of the person holding political position in any law shall not apply to the persons holding position in the National Council for Peace and Order, members of the National Legislative Assembly, members of the National Reform Council, members of the Constitution Drafting Committee, political officials under the law on political officials and political officials of the National Assembly under the law on administration of officials of the National Assembly.

## Section 42

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The National Council for Peace and Order under the Notification of the National Council for Peace and Order No. 6/2557 dated 22nd Day of May B.E. 2557 (2014) shall be the National Council for Peace and Order to exercise the powers and duties under this Constitution.

In case of necessity for the benefit of the performance of duties, the Head of the National Council for Peace and Order may change or add a person holding position in the National Council for Peace and Order, but the total number of members shall not exceed fifteen members. In this case, the Head of the National Council for Peace and Order may order any agency to be secretariat unit of the National Council for Peace and Order as appropriate.

If the National Council for Peace and Order is of opinion that the Council of Ministers should perform any matter under its powers and duties under section 19, the National Council for Peace and Order shall inform the Council of Ministers to proceed therewith.

- Head of government powers

If it is appropriate, the Head of the National Council for Peace and Order or the Prime Minister may ask for joint sitting between the National Council for Peace and Order and the Council of Ministers so as to consider or solve any problem related to the maintenance of peace and order or national security or to consider any other matter from time to time.

## Section 43

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Before the existence of the National Legislative Assembly, if any law prescribes as to whether any matter shall be approved or acknowledged by the House of Representatives, the Senate or the National Assembly, the Head of the National Council for Peace and Order shall have the power to give approval or to acknowledge such matter in place of the House of Representatives, the Senate or the National Assembly.

Prior to the date the Council of Ministers under this Constitution takes office, all powers and duties of the Prime minister and the Council of Ministers shall be exercised by the Head of the National Council for Peace and Order.

- Emergency provisions

## Section 44

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In the case where the Head of the National Council for Peace and Order is of opinion that it is necessary for the benefit of reform in any field and to strengthen public unity

and harmony, or for the prevention, disruption or suppression of any act which undermines public peace and order or national security, the Monarchy, national economics or administration of State affairs, whether that act emerges inside or outside the Kingdom, the Head of the National Council for Peace and Order shall have the powers to make any order to disrupt or suppress regardless of the legislative, executive or judicial force of that order. In this case, that order, act or any performance in accordance with that order is deemed to be legal, constitutional and conclusive, and it shall be reported to the National Legislative Assembly and the Prime Minister without delay.

- Establishment of constitutional court

## Section 45

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- Ombudsman
- Constitutional interpretation

Subject to section 5 and section 44, the jurisdiction of the Constitutional Court is to decide whether any law is contrary to, or inconsistent with, this Constitution as well as the jurisdiction conferred thereto by the Organic Act on Ombudsmen and the Organic Act on Political Party. In case of the Ombudsmen, the matter to be submitted to the Constitutional Court is restricted to the matter that any law is contrary to, or inconsistent with, this Constitution.

The rules of procedure and judgment of the Constitutional Court shall be in accordance with the law on such matter. In the absence of that law, it shall be made in accordance with determinations of the Constitutional Court on rules of procedure and judgment which is in force prior to the date this Constitution comes into force if it is not contrary to, or inconsistent with, the provisions of paragraph one or this Constitution.

- Constitution amendment procedure

## Section 46

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In case of necessity and appropriateness, the Council of Ministers and the National Council for Peace and Order shall have joint resolution to amend this Constitution and propose the draft Constitution Amendment to the National Legislative Assembly for approval.

The National Legislative Assembly shall approve or disapprove the draft Constitution Amendment within fifteen days as from the date of receipt of the draft Constitution Amendment.

The National Legislative Assembly is unable to amend the draft Constitution Amendment, except where the Council of Ministers and the National Council for Peace and Order agree upon.

The approval shall be made by a majority of votes of the existing members of the National Legislative Assembly.

If the National Legislative Assembly approves the draft Constitution Amendment, the Prime Minister shall present the draft Constitution Amendment to the King for His signature within fifteen days as from the date the approval has been given. When His signature has been given, the draft Constitution Amendment shall come into force as the Constitution upon its publication in the Government Gazette. The Prime Minister shall countersign His Royal Command. In this case, section 37 shall apply mutatis mutandis.

## Section 47

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All Notifications and Orders of the National Council for Peace and Order as well as Order of the Head of the National Council for Peace and Order which were notified or made between the 22nd Day of May B.E. 2557 (2014) until the date the Council of

Ministers takes office under this Constitution, regardless of their legislative, executive or judicial force, as well as all acts performed in compliance therewith before or after this Constitution comes into force shall be deemed to be legal, constitutional and conclusive. Any Notification or Order that still in force prior to the date this Constitution comes into force shall be in force until it is amended or repealed by law, rule, regulation, resolution of the Council of Ministers or order, as the case may be.

In the case where the National Council for Peace and Order has ordered any person to hold or vacate any official position as prescribed by section 24 prior to the date this Constitution comes into force, the Prime Minister shall present the King for appointment or removal.

- Crimes of the previous regime

## Section 48

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All acts which have been done in relation to the seizure and control of the administration of State affairs on the 22nd Day of May B.E. 2557 (2014) of the Head of the National Council for Peace and Order and the National Council for Peace and Order, including all acts which have been done by any person in connection with the aforesaid acts, or by the person who has been entrusted or ordered by the Head of the National Council for Peace and Order or the National Council for Peace and Order, for the fulfilment of such purposes, regardless of their legislative, executive or judicial force, as well as any punishment and other acts performed in relation to the administration of State affairs and whether the actors of those act are principals, accessories, persons who employ another to commit those acts or the employed persons and whether those acts done before or after the date mentioned above, if the aforesaid acts were illegal, all related person shall be exempted from being offenders and shall be exempted from all liabilities.

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